

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

LESLIE BERNARD HOWARD,

CV. 07-1895-ST

Plaintiff,

FINDINGS AND RECOMMENDATION

v.

MANUEL PEREZ, JEAN HILL,  
OFFICER SPELLMAN, and SGT.  
GREEVER,

Defendants.

STEWART, Magistrate Judge.

On September 5, 2008, the court issued an Order to Show Cause (docket #44) in which it noted that plaintiff had been without a current address since at least August 25, 2008, and required him to either file a notice of change of address by October 24, 2008 or show cause why his case should not be dismissed for lack of prosecution. On September 25, 2008, the Order to Show Cause was returned to the court for lack of a current address.

Pursuant to Local Rule 83.10(a) and (b), every unrepresented party has a continuing responsibility to notify the clerk's office and all parties whenever they change their mailing address. When mail from the court to a party cannot be delivered due to the lack of a current address, and the failure continues for sixty (60) days, the court may dismiss the action. Local Rule 83.12. Because plaintiff has been without a current address for more than 60 days, this action should be dismissed for lack of prosecution. Because plaintiff's failure to maintain a current address occurred after defendants filed their Motion for Summary Judgment on July 7, 2008, the dismissal should be with prejudice.

#### **RECOMMENDATION**

For the reasons identified above, this action should be DISMISSED, with prejudice, for lack of prosecution.

#### **SCHEDULING ORDER**

Objections to these Findings and Recommendation(s), if any, are due November 14, 2008. If no objections are filed, then the Findings and Recommendation will be referred to a district court judge and go under advisement on that date.

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If objections are filed, then the response is due within 10 days after being served with a copy of the objections. When the response is due or filed, whichever date is earlier, the Findings and Recommendation will be referred to a district court judge and go under advisement.

IT IS SO ORDERED.

DATED this 28th day of October, 2008.

/s/ Janice M. Stewart  
Janice M. Stewart  
United States District Judge